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**SEP 29 2008**

In re Application of	:	
Colin G. Neale	:	
Application No 10/564487	:	DECISION
Filing or 371(c) Date: 05/18/2006	:	ON PETITION
Attorney Docket Number: 19365-103567	:	

This is a decision on the Petition to Withdraw Holding of Abandonment Under 37 CFR §1.181(a), filed August 25, 2008.

The petition is **granted**.

**Background**

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers ("Notice"), mailed May 30, 2008. The Notice set a non-extendable two (2) month period for reply. No reply having been received, this application became abandoned on July 31, 2008. A Notice of Abandonment was mailed August 11, 2008.

Applicant files the present petition and asserts that a timely response to the Office action was filed on June 9, 2008. In support of this assertion, Applicant files a copy of their return-receipt postcard. A review of the return-receipt postcard reveals that the postcard acknowledges receipt by this Office of two (2) Replacement Drawing Sheets for Figs. 1-5, for application serial number 10/546,487, and not the above-identified application, 10/564,487.

A review of Office records reveals that the Replacement Drawing Sheets for Figs. 1-5 were filed in application serial number 10/546,487, and included a Transmittal Letter with application serial number 10/546,487. Despite the incorrect application serial number, the return-receipt postcard and Transmittal Letter contained the correct application filing date, title of invention, and attorney Docket Number.

In view of the above, it is apparent that the response to the Office action was timely filed in this Office on June 9, 2008, and due to errors on the part of Applicant and this Office, was inadvertently misplaced. Accord MPEP 502.

Accordingly, the holding of abandonment is hereby withdrawn. The Office has transferred the response to the present application.

The application will be referred to the Office of Data Management for processing of the response in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/  
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Office of Petitions